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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,654	08/30/2000	Satoshi Yashiro	CANO:013	2191
7590	01/12/2005		EXAMINER	
Rossi & Associates P O Box 826 Ashburn, VA 20146-0826			ALI, MOHAMMAD	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/651,654	YASHIRO, SATOSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohammad Ali	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 August 2004.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,6-9,12-15 and 18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3,6-9,12-15 and 18 is/are rejected.

7) Claim(s) 1-3,6-9,12-15 and 18 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This communication is in response to the Amendment filed on August 09, 2004.

Claims 1-3, 6-9, 12-15, and 18 are pending in this Office Action

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-3, 6-9, 12-15 and 18 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are not in Technological Arts, since no technology is recited.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-3, 6-9, 12-15, and 18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6-9, 12-15 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yoshitaka Sano ('Sano' hereinafter), US Patent 5,038,379 in view of Jones et al. ('Jones' hereinafter), USP 6,415,302.

With respect to claim 1,

Sano discloses the claimed invention including, an image search apparatus (col. 1, lines 10-15) comprising:

storage means for storing keyword table in a memory, wherein the keyword table includes a keyword that corresponds to a plurality of images and a plurality of levels of importance of the keyword with respect to said plurality of images as (col. 2, lines 1-8, et seq);

search means for searching said plurality images according to an input search query related to the keyword is taught by Sano as search in the image information inputted from an image inputting apparatus and thereby to produce the search information to search desired image information in consideration (col. 1, lines 58-62);

acquiring means for acquiring said plurality of levels of importance of the keyword based on the images searched by said search means; and

outputting means for outputting the said plurality of images searched by said search means in an order according to said plurality of levels of importance of the keyword acquired by said acquiring means is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

Sano does not explicitly indicate "levels of importance".

Jones discloses the levels of importance (selecting the next story icon displays, in clear text format, the story with the next, level of importance on the page, see col. 11, lines 52-60, Jones).

It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because the levels importance of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones. Further, levels of importance as taught by Jones improves to generates information to display from an input publication files (see col. 3, lines 42-45, Jones).

As to claim 2,

'wherein said output means output,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

As to claim 3,

wherein said acquiring means for acquires said accordance,..... (col. 1, lines 45-53 et seq); and

'output means for outputs said plurality of images,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group

(rearranging) from another image information (col. 2, lines 45-61, col. 1, lines 58-67, et seq).

As to claim 6,

'wherein said image search,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

Sano does not explicitly indicate "HTML format".

Jones discloses the levels of importance (see col. 11, lines 23-25, Jones).

It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because the HTML format of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication, as suggested by Jones at col. 1, lines 16-18, Jones.

With respect to claim 7,

Sano discloses an image search method,... (col. 1, lines 10-15) comprising:  
a storage controlling step for storing-keyword table in a memory, wherein the keyword table includes a keyword that corresponds to a plurality of images and a plurality of levels of importance of the keyword with respect to said plurality of images as (col. 2, lines 1-8, et seq);

a searching step of searching said plurality images according to an input search query related to the keyword is taught by Sano as search in the image information

inputted from an image inputting apparatus and thereby to produce the search information to search desired image information in consideration (col. 1, lines 58-62);

an acquiring step for acquiring said plurality of levels of importance of the keyword based on the images searched by said acquiring step as (col. 2, lines 454-53, Sano); and

an output means for outputting the said plurality of images searched by said search means in an order according to said plurality of levels of importance of the keyword acquired by said acquiring step is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

Sano does not explicitly indicate "levels of importance".

Jones discloses the levels of importance (selecting the next story icon displays, in clear text format, the story with the next, level of importance on the page, see col. 11, lines 52-60, Jones).

It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because the levels importance of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones. Further, levels of importance as taught by Jones improves to generates information to display from an input publication files (see col. 3, lines 42-45, Jones).

As to claim 8,

'wherein image data output,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

As to claim 9,

wherein said acquiring means for acquires said accordance,..... (col. 1, lines 45-53 et seq); and

'output means for outputs said plurality of images,....' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 45-61, col. 1, lines 58-67, et seq).

As to claim 12,

'wherein said input step comprises receiving a search query,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group from another image information (col. 2, lines 58-61 et seq).

Sano does not explicitly indicate "HTML format".

Jones discloses the levels of importance (see col. 11, lines 23-25, Jones).

It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because

the HTML format of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones.

With respect to claim 13,

Sano discloses the claimed invention including, a storage medium that can be read by,... comprising instructions for (col. 1, lines 10-15):

'storing keyword table in a memory, wherein the keyword table includes a keyword that corresponds to a plurality of images and a plurality of levels of importance of the keyword with respect to said plurality of images' as (col. 2, lines 1-8, et seq);

'searching said plurality images according to an input search query related to the keyword' is taught by Sano as search in the image information inputted from an image inputting apparatus and thereby to produce the search information to search desired image information in consideration (col. 1, lines 58-62);

'acquiring said plurality of levels of importance of the keyword based on the images searched by said searching instruction' as (col. 2, lines 454-53, Sano); and

'outputting means for outputting the said plurality of images searched by said search means in an order according to said plurality of levels of importance of the keyword acquired by said acquiring instruction' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

Sano does not explicitly indicate "levels of importance".

Jones discloses the levels of importance (selecting the next story icon displays, in clear text format, the story with the next, level of importance on the page, see col. 11, lines 52-60, Jones).

It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because the levels importance of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones. Further, levels of importance as taught by Jones improves to generates information to display from an input publication files (see col. 3, lines 42-45, Jones).

As to claim 14,

'wherein plurality of images,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

As to claim 15,

wherein said acquiring means for acquires said accordance,..... (col. 1, lines 45-53 et seq); and

'output means for outputs said plurality of images,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group

(rearranging) from another image information (col. 2, lines 45-61, col. 1, lines 58-67, et seq).

As to claim 18,

'wherein said image search,...' is taught by Sano as the desired keyword for this image information including discriminating information to discriminate the image information for a plurality of image information of the same group (rearranging) from another image information (col. 2, lines 58-61 et seq).

Sano does not explicitly indicate "HTML format".

Jones discloses the levels of importance (see col. 11, lines 23-25, Jones).

It would have been obvious to one ordinary skill in the image processing art at the time of the present invention to combine the teachings of the cited references, because the HTML format of Jones' teachings would have allowed Sano's system provides for simultaneous display of graphical representation of a printed publication , as suggested by Jones at col. 1, lines 16-18, Jones.

### ***Remarks***

6. In response to the applicant's arguments regarding to overcome the prior art of records. Examiner appreciated for the amendments but Applicant's did not overcome the primary prior art of records by amending the claims.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

Time policy as set forth in 37 CFR 1.136(a).

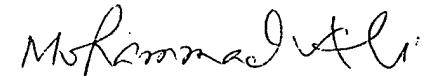
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mohammad Ali  
Primary Examiner  
Art Unit 2167

MA  
January 8, 2005